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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

UNITED ASSOCIATION OF JOURNEYMAN
AND APPRENTICES OF THE PLUMBING
AND PIPE FITTING INDUSTRY,
UNDERGROUND UTILITY/LANDSCAPE
LOCAL UNION NO. 355; MIGUEL INIGUEZ
and FELIPE HERNANDEZ, as Local 355
Trustees; and ALEJANDRO TREJO,

Case No. 17-CV-3037-RS

**JOINT STIPULATION AND
[PROPOSED] ORDER TO CHANGE
CASE SCHEDULE AS MODIFIED BY
THE COURT**

Plaintiffs,

MANIGLIA LANDSCAPE, INC., COHEN
LANDSCAPE SERVICES, INC., LANDSCAPE
CONTRACTORS COUNCIL OF NORTHERN
CALIFORNIA, BARRY L. COHEN, LINDA G.
ROSSMAN, OSCAR DE LA TORRE, DOYLE
RADFORD, DAVID GORGAS, BRUCE RUST,
FERNANDO ESTRADA, BYRON LONEY,
ROBERT CHRISP, BILL KOPONEN, LARRY
NIBBI AND MANUEL DE SANTIAGO, AS
TRUSTEES OF THE LABORERS TRUST
FUNDS FOR NORTHERN CALIFORNIA;
NORTHERN CALIFORNIA DISTRICT
COUNCIL OF LABORERS; AND DOES 1
THROUGH 50,

Defendants.

1 In order to facilitate the parties' settlement negotiations and Plaintiffs' attorney's
2 upcoming paternity leave, Plaintiffs and Defendants hereby stipulate pursuant to Local Civil
3 Rules 6-2 and 7-12 to change the summary judgment briefing schedule and trial date as follows:
4

5 WHEREAS, the January 7, 2019, case scheduling order set October 3, 2019, as the
6 deadline to hear dispositive motions, thus requiring opening summary judgment briefs be filed
7 on or before August 29, 2019, and set the trial date for February 10, 2019, (ECF No. 161); and
8

9 WHEREAS, on June 27, 2019, the Court referred the parties to Magistrate Judge Corley
10 to schedule a settlement conference within 90 days thereof, (ECF No. 242); and
11

12 WHEREAS, the parties scheduled a settlement conference with Magistrate Judge Corley
13 for August 27, 2019, with settlement conference statements due on August 26, 2019, in which
14 the parties intend to participate in good faith and in an effort to resolve the claims in this case;
15 and
16

17 WHEREAS, the parties believe that they will be able to more fully participate in the
18 settlement conference without simultaneously needing to prepare opening summary judgment
19 briefs due two days after the settlement conference; and
20

21 WHEREAS, lead trial counsel for Plaintiffs is expecting the birth of his first child in late
22 December or early January and plans to take paternity leave after the birth that conflicts with the
23 current February 10, 2020, trial date; and
24

25 WHEREAS, the parties believe that modifying the case schedule as set forth below
26 would be in the interests of judicial efficiency; and
27

28 WHEREAS, the prior extensions in this lawsuit are: (1) Stipulation to Extend the Deadline
for Contractor Defendants to Respond to the First Amended Complaint (ECF No. 26); (2) Stipulation
to Extend Time for Plaintiffs to Respond to Defendants' Motion to Dismiss (ECF No. 41); (3)
Stipulation to Extend Time for Plaintiffs to Respond to the Laborers Defendants' Motion to Dismiss

1 and for the Laborer Defendants' Reply (ECF No. 84); (4) Clerk's Continuance of the Initial Case
2 Management Conference (ECF No. 108); (5) Stipulation to Extend Time for Defendants to Respond
3 to Plaintiffs' Motion for Leave to File Fourth Amended Complaint (ECF No. 197); (6) Notice of
4 Unavailability of Defendants' Counsel (ECF No. 226), and Counsel's subsequent request to continue
5 the June 20, 2019, discovery hearing date (ECF No. 233); and (7) Order by Magistrate Judge Beeler
6 continuing a discovery hearing from July 18, 2019, to July 25, 2019 (ECF No. 270).

7 THEREFORE IT IS HEREBY STIPULATED AND AGREED TO BY THE PARTIES,
8 through their respective legal counsel:

- 9 (a) Opening summary judgment briefs are due on or before October 4, 2019;
- 10 (b) Summary judgment opposition briefs are due on or before October 25, 2019;
- 11 (c) Summary judgment reply briefs are due on or before November 7, 2019;
- 12 (d) The hearing date and time for any motion for summary judgment filed on or before
13 October 4, 2019, is November 21, 2019, at 1:30 p.m.; and
- 14 (e) The case is set for trial on ~~or after~~ March 30, 2020.
- 15 (f) The final pretrial conference will be held on March 18, 2020.

16 Dated: August 21, 2019

17 /s/ Bryan Caforio
Bryan Caforio (261265)
Lora J. Krsulich (315399)
Susman Godfrey L.L.P.

18 John J. Davis, Jr. (65594)
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19 *Attorneys for Plaintiffs*

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21 *Attorneys for Defendant Northern California
District Council of Laborers*

22 /s/ Michelle Q. Carter
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23 *Attorneys for Barry Cohen, Cohen Landscape
Services, Inc., Maniglia Landscape, Inc.,
Landscape Contractors Council of Northern
California*

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FILER'S ATTESTATION

2
I, Bryan Caforio, am the ECF user whose identification and password are being used to
3
file this Joint Stipulation and [Proposed] Order. In compliance with Civil Local Rule 5-1(i)(3), I
4
hereby attest that the signatories of this document have concurred in this filing.
5

6 */s/ Bryan Caforio*

7
8 PURSUANT TO STIPULATION, IT IS SO ORDERED.

9
10 DATED: August 21, 2019

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Honorable Richard Seeborg
United States District Judge